

**LITTLER MENDELSON<sup>®</sup>**  
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October 31, 2007

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**VIA FACSIMILE**  
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Hon. Charles L. Brieant  
United States District Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street, Room 275  
White Plains, NY 10601

*Application Granted*  
*Full motion returnable*  
*at 10:00 AM. on 2/15/08.*  
*No Gradera.*  
*Gruant, Charles L. Brieant*  
*MSD*

**Re: Santiago v. The Village of Ossining Police Department**  
**Case No. 06-cv-5422 (CLB)(GAY)**

Dear Judge Brieant:

This firm represents Defendant the Village of Ossining Police Department in this matter. This matter was transferred to the White Plains Courthouse and reassigned to Your Honor and Magistrate Judge Yanthis from Judge Wood and Magistrate Judge Maas on or about September 6, 2007. We write now on behalf of all parties to propose a schedule for dispositive motions in this matter.

Shortly before the transfer of this matter, a settlement conference took place before Magistrate Judge Maas on August 24, 2007. While no settlement was reached at the conference, the parties continued thereafter to attempt to negotiate a settlement in the weeks following. After continued efforts, the parties have been unable to reach a settlement, and now wish to proceed before the Court with dispositive motion practice.

Pursuant to Judge Wood's Individual Practices and the existing Scheduling Order in the case, Defendant submitted a letter setting forth the basis for its proposed dispositive motion, and asking for a pre-motion conference prior to filing a dispositive motion.<sup>1</sup> Judge Wood did not address this request, presumably because of the pending settlement conference. Accordingly, the parties have conferred, and now jointly propose the following dispositive motion briefing schedule:

<sup>1</sup> A copy of Defendant's July 26, 2007 letter to Judge Wood requesting a pre-motion conference is enclosed for the Court's reference.

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- 1) Dispositive motions shall be filed and served on or before December 14, 2007;<sup>2</sup>
- 2) Opposition to dispositive motions shall be filed or served on or before January 14, 2008;
- 3) Reply papers, if any, shall be filed and served on or before February 4, 2008.
- 4) The motion shall be made returnable on an available motion date listed in the *New York Law Journal*, unless otherwise assigned by the Court.

The parties thank the Court for its courtesy and consideration in this regard.

Respectfully submitted,

  
Stephen A. Fuchs

cc: Hon. George A. Yanthis,  
United States Magistrate Judge (via facsimile)  
Paul Cisternino, Esq. (via email and facsimile)

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<sup>2</sup> The undersigned is currently handling two substantial wage and hour class actions pending in this court before Judge Gerard E. Lynch, Case Nos. 06-cv-2295 and 04-cv-8819, in which the defendants' opposition to a motion for class certification pursuant to Fed. R. Civ. P. 23 is due in both cases on November 30, 2007. We therefore respectfully request a filing date two weeks after that deadline.